

BILL ANALYSIS

Senate Research Center
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S.B. 816
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas family law, judges have broad discretion to make rulings concerning deeply personal matters. In these courtrooms, emotions run high and judges have to make determinations after hearing maybe a few hours of testimony. These rulings have ramifications that will be felt for years to come. S.B. 816 gives some of the power back to the families. S.B. 816 prohibits a judge from entering a ruling that is contrary to the wishes of either fit parent. If the parents cannot agree, the judge must make a ruling that is a compromise between the two parents' viewpoints.

As proposed, S.B. 816 amends current law relating to the rendition by a court in a suit affecting the parent-child relationship of an order that is contrary to the expressed wishes of the child's parent.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.002, Family Code, as follows:

Sec. 153.002. New heading: BEST INTEREST OF CHILD; DEFERENCE TO PARENT. (a) Creates this subsection from existing text. Creates an exception as otherwise provided by this section.

(b) Prohibits the court from rendering an order contrary to the expressed wishes of a child's parent, unless certain conditions are met.

(c) Provides that for purposes of this section, a parent is presumed to be a fit parent and may be determined not to be a fit parent only if it is shown by clear and convincing evidence that the parent does not adequately care for the parent's child.

SECTION 2. Provides that the change in law made by this Act applies only to a suit affecting the parent-child relationship pending before a court on or filed on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2017.